

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed November 6, 2003. Claims 9 and 20-22 have been cancelled without prejudice or disclaimer. Applicants have added Claims 13-17 and respectfully submit that the claims are supported by the specification and add no new matter. Claims 1-8, 10-19 and 23-26 are pending in this Application. Claims 1-5, 7, 10-16, and 19-21 stand rejected under 35 U.S.C. §102(e) and Claims 6, 8, 9, 17, 18, and 22 stand rejected under 35 U.S.C. §103(a). Applicants have amended Claims 1, 4, 5, and 12-17 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §102

Claims 1-5, 7, 10-16, and 19-21 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,261,725 issued to San-De Tzu et al. ("Tzu").

Tzu discloses a method for modulating the phase angle of a phase shift mask employed in deep ultraviolet (DUV) photolithography. Tzu's phase shift mask provides a patterned phase shift layer formed over a quartz substrate. (Col. 3, Lines 54-56).

Claim 1, as amended, recites a method comprising the step of "forming a transparent, protective coating on the photomask pattern, the transparent, protective coating operable to prevent the features from being damaged by electrostatic discharge."

Claim 12, as amended, recites a damage resistant photomask comprising "a transparent, protective layer formed on the photomask pattern, the transparent, protective coating operable to prevent the features from being damaged by electrostatic discharge."

Claim 23 recites a damage resistant photomask comprising "a transparent protective layer formed on the absorber layer, the transparent, protective coating operable to prevent the opaque areas from being damaged by electrostatic discharge."

Applicants respectfully submit that the cited reference fails to disclose each and every element of Applicants' invention. Tzu fails to teach a method for fabricating a damage resistant photomask comprising the step of "forming a transparent, protective coating on the

photomask pattern, the transparent, protective coating operable to prevent the features from being damaged by electrostatic discharge,” as recited by amended Claim 1. Tzu fails to teach or suggest a damage resistant photomask comprising “a transparent, protective layer formed on the photomask pattern, the transparent, protective coating operable to prevent the features from being damaged by electrostatic discharge,” as recited by amended Claim 12. Additionally, Tzu fails to teach a damage resistant photomask comprising “a transparent protective layer formed on the absorber layer, the transparent, protective coating operable to prevent the opaque areas from being damaged by electrostatic discharge,” as recited by new Claim 23. The cited reference fails to disclose the recited limitations and, therefore, cannot anticipate Claims 1, 12 and 23.

Given that Claims 2-5, 7, 10 and 11 depend from Claim 1, Claims 13-16 and 19 depend from Claim 12, and Claims 24-26 depend from Claim 23, Applicants respectfully submit that Claims 2-5, 7, 10-11, 13-16, 19 and 24-26 are allowable. As such, Applicants respectfully request that the Examiner withdraw and allow Claims 1-5, 10-16, 19 and 23-26.

Rejections under 35 U.S.C. §103

Claim 6 stands rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Tzu. Claims 8, 9, 17, 18 and 22 stand rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Tzu in view of U.S. Patent No. 6,544,693 issued to Harry J. Levinson et al. (“Levinson”).

Claims 6 and 8 depend from and provide further patentable limitations to allowable Claim 1. Claims 17 and 18 depend from and provide further patentable limitations to allowable Claim 12. Accordingly, Applicants respectfully request that the Examiner reconsider, withdraw the rejections and allow Claims 6, 8, 17 and 18.

CONCLUSION

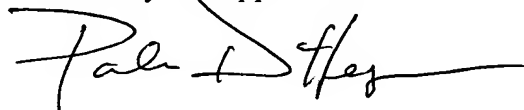
Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-8, 10-19 and 23-26, as amended.

Applicants believe there are no fees due, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,

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